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SECTION III: LOCAL POLICIES AND APPLICABLE STATE POLICIES

DEVELOPMENT POLICIES

POLICY 1 THE STATE POLICY REGARDING THE RESTORATION, REVITALIZATION, AND REDEVELOPMENT OF DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL AND INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES IS NOT APPLICABLE TO THE TOWN OF MAMARONECK AND VILLAGE OF LARCHMONT.

POLICY 2 FACILITATE THE SITING OF WATER DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.

Explanation of Policy

This policy applies to both water-dependent and water-enhanced uses, and is defined as follows:

A water-dependent use is one that must be located on or adjacent to coastal waters in order to function. Among such uses appropriate in this area are:

1. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, scenic and nature walks);
2. Aids to navigation;
3. Flood and erosion protection structures (for example: breakwaters, bulkheads);
4. Non-commercial facilities needed to store and service boats;
5. Scientific/educational activities which require access to coastal waters (for example; certain meteorological, ecological and oceanographic activities); and
6. Support facilities which are necessary for the successful functioning of permitted water-dependent uses.

A water-enhanced use is one that has no critical dependence on a waterfront location, but whose profitability or enjoyment is increased significantly by its proximity to, or visual access to, the waterfront (for example, a scenic waterfront park).

Existing residential development with associated recreational facilities along the local waterfront is cohesive and of high quality. Undeveloped land adjoining coastal waters is scarce and environmentally sensitive; however, critical lands now occupied by commercial establishments in Larchmont must be scrutinized.

Emphasis under this policy will be placed on preserving appropriate existing uses that are water-related. Only such new water-dependent or water-enhanced uses or facilities will be permitted that are compatible with appropriate existing uses and with other coastal policies herein, including those that relate to the protection of wildlife habitats and wetlands, the preservation of historical, scenic and recreational resources and the control of flooding, siltation and pollution.

Priority in the use of any property adjacent to coastal waters that may become available for development will be given to a water-dependent use over an otherwise equally qualified water-enhanced use, and to either of these in preference to a use that is in no way water-related.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE TOWN OF MAMARONECK AND VILLAGE OF LARCHMONT.

POLICY 4 THE STATE POLICY TO STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS IS NOT APPLICABLE TO THE TOWN OF MAMARONECK AND VILLAGE OF LARCHMONT.

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATE ITS LOCATION IN OTHER COASTAL AREAS.

Explanation of Policy

This policy is designed to assure that development in the coastal area is "encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, [and] where topography, geology, and other environmental conditions are suitable for and able to accommodate development." Since this coastal area is almost fully developed, many of the above conditions are present and some undesirable types of action such as urban sprawl or "leapfrog" development are not concerns here.

The topography and geology of the drainage basins traversing Mamaroneck and Larchmont set inherent limits on the intensity of development that is possible without overtaxing storm drainage facilities. As noted in Section II, these limits have already been exceeded, producing flooding, erosion, siltation, and other adverse impacts. Any future development in the area's remaining open space, both for the properties in question and for those downstream, must be designed and regulated to minimize these impacts, to assure adequate storm drainage and to provide pollution controls. Cooperation of upstream municipalities in controlling development in their part of these watersheds must also be sought. Such steps, set forth under Policy 14 and in Section IV, will give effect to this policy.

**POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE
THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE
LOCATIONS.**

Explanation of Policy

When administering existing regulations and prior to proposing new regulations, every effort should be made to determine the feasibility of coordinating administrative procedures and incorporating new regulations in existing legislation, if this can reduce the burden on a particular type of development without jeopardizing the integrity of the regulation's objectives.

FISH AND WILDLIFE POLICIES

**POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS
IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE
PROTECTED, PRESERVED, AND, WHERE PRACTICAL,
RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS
HABITATS.**

Explanation of Policy: The Premium River - Pine Brook Wetlands Complex was designated a Significant Coastal Fish and Wildlife Habitat by the New York State Secretary of State on November 15, 1987. It was approved for inclusion in New York State's Coastal Management Program on November 1, 1990. (See Section II at M.)

The Premium River - Pine Brook Wetlands are tributary to the Long Island Sound in the Town of Mamaroneck, the Village of Larchmont and the City of New Rochelle (7.5' Quadrangle: Mount Vernon, N.Y.). The fish and wildlife habitat is an approximately 65 acre area including Pine Brook south of the Boston Post Road, the Premium River, the Premium Mill Pond, the northeast portion of Echo Bay, the Pryer Manor Marsh, a former wetland between Dillon Road and Emerson Avenue, the salt marsh areas adjacent to the river and creek and the small portions of adjacent meadow.

The Premium River - Pine Brook Wetlands area is a diverse and relatively undeveloped complex of tidal river, tidal flats, shallows, salt marsh and freshwater wetlands which is unusual in Westchester County. The wetland complex remains undeveloped and the range of natural communities in this area support a diversity of fish and wildlife species.

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would further degrade the water quality in the Premium River, Pine Brook, Premium Mill Pond and associated wetlands would impair the biological productivity of this area. Species of fish and wildlife may be affected by water pollution such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, waste disposal, and sewage discharges. Efforts should be made to improve water quality in the area by controlling runoff and waste discharge from adjacent and upstream commercial and residential areas and by improving tidal flushing. Habitat enhancement and restoration efforts are needed in several of the smaller, degraded wetlands in this area. Elimination of freshwater wetlands, salt marsh and intertidal areas through excavation or filling, would result in a direct loss of valuable habitat area. Natural plant communities bordering the wetlands should be maintained to provide cover for wildlife, erosion control, and buffer zones.

Opportunities for compatible public uses of the area (nature study, environmental education) should be maintained or enhanced to utilize this valuable fish and wildlife resource.

A **habitat impairment test** must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific habitat impairment test that must be met is as follows:

In order to protect and preserve a Significant Habitat, land and water uses or development shall not be undertaken if such actions would destroy the habitat, or significantly impair the viability of the habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate or hydrology, or increases in runoff, erosion, sedimentation or pollutants.

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The tolerance range of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,
3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

POLICY 7A

**THE FOLLOWING LOCALLY IMPORTANT HABITATS
DESIGNATED AS CRITICAL ENVIRONMENTAL AREAS:
(1) THE HOMMOCKS SALT MARSH COMPLEX INCLUDING
THE EAST CREEK AREA;
(2) THE LARCHMONT RESERVOIR-SHELDRAKE-
LEATHERSTOCKING FRESHWATER WETLAND COMPLEX;
(3) THE PREMIUM SALT MARSH COMPLEX**

SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICABLE, RESTORED, SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

Note: The intertidal and littoral zone described in Section II at N 4., extending from Larchmont Harbor westward to and around Premium Point has characteristics which qualify it as an important habitat. It is not so listed here since it is protected by the Tidal Wetlands Law.

Brief description of habitats:

- The Hommocks Salt Marsh Complex (total 17 acres) at the head of Little Harbor Sound next to the outfalls from East and Gut Creeks, is comprised of the Hommocks Conservation area, East Creek and some small adjacent habitat areas;
- The Larchmont Reservoir-Sheldrake-Leatherstocking Freshwater Wetland Complex (total 520 acres) includes the Larchmont Reservoir-James G. Johnson Jr. Conservancy, three private open-space areas of which two are large golf courses, the Sheldrake-Leatherstocking Conservation Area, and connecting watercourses and ponds which function as habitat corridors.
- The Premium Salt Marsh Complex (total 32 acres) centers on the Premium River and includes the Premium Marsh and two smaller tidal wetlands nearby, a portion of the Significant Habitat (see Policy 7).

All three of these areas are nesting and feeding grounds for many bird species as well as fish, shellfish, crustaceans, reptiles and mammals. For a detailed description, see Section II at L through N and the inventory of species in Appendix B.

Explanation of Policy:

New local legislation identified in the 1986 LWRP led to the designation of these areas as Critical Environmental Areas (CEAs) under the State Environmental Quality Review law, and in addition, the County designated lands generally lying south of the Boston Post Road and the Larchmont Reservoir-James G. Johnson, Jr. Conservancy as County CEAs. These laws regulate land use and construction-related activities in or substantially contiguous to the CEA in order to limit adverse impacts, protect wetlands and habitats, and preserve open space.

Impact Assessment

Most of the land and water in the Premium and Hommocks complexes is public property, much of it in Town Conservation Areas. The same is true of a large part of the much larger Reservoir-Sheldrake-Leatherstocking complex. This fact, however, does not suffice to shield these areas from adverse impact. As is noted repeatedly in the Inventory and Analysis (Section II), the impact comes from outside the three areas themselves, mainly from upstream. Oil spills, raw sewage overflow, illegal waste disposal, pesticide and fertilizer residues from homes, parks, golf courses and commercial nurseries, silt from soil erosion, construction sites, and dredging operations -- all these have already inflicted their share of damage, impairing the quality of all three areas as feeding and breeding grounds for fish and wildlife. The effects have been seen, for example, in fish kills in the Larchmont Harbor area and in the ban on consumption of shellfish taken from the waters of the Westchester Sound shore and its estuaries.

A number of local steps are planned, either for execution or for study (see Section IV), which are designed in part to repair past damage to these three areas and to enhance their viability and survivability as wildlife habitats. Some steps have been accomplished such as the computerized release valve at the Larchmont Reservoir, absorbent booms to collect oil on Pine Brook and East Creek, a street sweeping schedule has been put into action, and numerous storm drain-sanitary sewer connections have been eliminated. Some general cleaning of the Larchmont leaf disposal facility has been completed and it was moved back to some degree from the water's edge.

Some of the recommendations are restorative or enhancing, to be taken within the areas themselves; others are protective, involving both physical projects and land use regulations upstream from these areas, and are intended to reduce future adverse impact from the outside. Any action that would cause or aggravate such impact, or adversely affect the preservation or restoration of the habitats covered by this policy, would be inconsistent with this policy. To the greatest degree practicable, the habitat impairment test found under Policy 7 should be applied to these CEAs.

Since all of these habitat areas are environmentally linked to neighboring jurisdictions, cooperation of adjacent municipalities is of great importance in accomplishing the purposes of this policy.

Note: Since all three of these habitats center on tidal or freshwater wetlands, which are dealt with under Policies 44 and 44A, the three policies will be considered together for purposes of implementation.

**POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE
COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS
WASTES AND OTHER POLLUTANTS WHICH
BIOACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE**

SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

Explanation of Policy

The regulation of hazardous wastes is assumed by State and Federal agencies. Other pollutants from point or non-point sources also cause substantial damage to fish and wildlife resources and are controlled by both State and local laws, the most important local laws in this connection being the Town's SEQR and the Town and Village's Freshwater Wetlands laws. County and local government must be more effective in monitoring pollution as well as enforcing local regulations and reporting violations of State or Federal law, which are a serious problem especially in the Premium area, the East Creek-Hommocks area, and nearby waters of Long Island Sound. Pursuant to this policy, a regular program of monitoring and reporting pollutants likely to damage fish and wildlife in the area will be conducted in cooperation with the Conservation Advisory Commission, appropriate State and County agencies, and neighboring municipal agencies. Local regulations against such pollutants will be reviewed for adequacy and strictly enforced.

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

The limited fish and wildlife resources of the area, the fragility of their habitats, and dense surrounding settlement combine to preclude hunting or extensive shore-based fishing. Hunting is prohibited throughout the area. Shore-based fishing on public property is limited because of the small number and size of the few locations available. However, recreational uses of coastal fish and wildlife resources also include non-consumptive uses such as wildlife photography, bird-watching and nature study. In general, the last group will be given preference over the former in view of the limited size of the resources and their location in urbanized areas.

The following additional guidelines should be considered by local, State, and Federal agencies as they determine the consistency of their proposed actions with the above policy.

1. Actions should not impede existing or future utilization of the State's recreational fish and wildlife resources.
2. Efforts to increase access to a recreational fish and wildlife resource should not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the Significant Habitat narrative (see Section II at M and Policy 7/7A) and/or conferring with a trained fish and wildlife biologist.

POLICY 10 THE STATE COASTAL POLICY TO FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA IS NOT APPLICABLE TO THE TOWN OF MAMARONECK AND VILLAGE OF LARCHMONT.

POLICY 10A IMPROVE WATER QUALITY IN LONG ISLAND SOUND WATERS TO PERMIT THE TAKING OF SHELLFISH FOR HUMAN CONSUMPTION.

Explanation of Policy

The Westchester Sound shore, whose waters are accessible by boat to both commercial and recreational shellfishing, was once a major shellfish producing area. For many years, however, (as was noted in Section II at Q and on Map 5) most of its inshore waters, including those off the Larchmont-Mamaroneck coastline, have been in New York State classification SB, which forbids shellfishing for human consumption. Biological pollution, mainly from sewage, is the main cause. The municipal governments, in cooperation with other Sound shore communities and with concerned County and State agencies, will endeavor to raise the water classification from SB to SA with the goal of reopening Western Long Island Sound for the taking of shellfish. More effective control of sewage pollution (see Policies 30 through 34) and organic nutrient runoff (Policy 37), as well as monitoring and regulation of heavy metals and other bioaccumulative substances entering coastal waters (Policy 8) will serve to promote this objective.

FLOODING AND EROSION POLICIES¹

¹ See Maps 5 and 6.

POLICY 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

Explanation of Policy

This policy applies to Flood Hazard and Coastal High Hazard Areas in the Town and the Village pursuant to the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA).²

The design and location of existing or proposed buildings in designated flood hazard areas are regulated by Flood Damage Prevention laws adopted by both municipalities and enforced by their respective Building and Engineering Departments under the Federal Flood Insurance Program. The State Coastal Erosion Hazard Areas regulations (6 NYCRR Part 505) are enforced by a State permit process. These laws will assure compliance with this policy in such areas. Where recent flood experience, as in the Sheldrake watershed, shows a need to extend such regulation to wider areas than are shown on the current Federal map, the extension may be achieved by local adoption of a supplementary flood damage control map based on a qualified engineering survey.

Flood Hazard and Coastal High Hazard Areas

The designated Flood Hazard Areas (A-Zones) and Coastal High Hazard Areas (V-Zones) as identified on the federal Flood Insurance Rate Maps are described in the Inventory and Analysis (Section II at R and S). The Flood Hazard Areas are located generally along the shoreline and in the Town and Village extend up along the river corridors. The A-Zone is located within the 100-year floodplain, extending from the boundaries of the V-Zone to the limits of the 100-year flood hazard area.

The Coastal High Hazard Areas (V-Zones) are located generally along the perimeter of Larchmont Harbor including along Monroe Inlet, Umbrella Point, Horseshoe Harbor to Premium Point Beach and most of the perimeter and extending inland on the Premium Point peninsula.

The V-zones extend from the shoreline inland to the A-zone. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash thus increasing the potential for loss of life and severe property damage.

² This policy also applies to Structural Hazard Areas under the Coastal Erosion Hazards Act (CEHA), but none have been designated in the Town and Village at this time.

Standards for Development in Flood Hazard Areas (A-Zone)

1. New construction and substantial additions:
 - a. All buildings and structures shall be located the maximum setback possible from mean high tide;
 - b. All buildings and structures shall be elevated so that the lowest portion of the structural members of the lowest floor is located a minimum of 13 feet above mean sea level, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls. These areas are not to be used for human habitation;
 - c. All buildings or structures shall be securely anchored on pilings or columns used as structural support and shall be designed and anchored so as to withstand all applied loads of the base flood flow.
 - d. Building materials and utility equipment shall be resistant to flood damage.
2. For utilities:
 - a. All new, replacement and expanded water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system;
 - b. All new, replacement and expanded sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters from the systems into flood waters;
 - c. On-site sanitary sewage systems shall be located to avoid impairment to them or contamination from them during flooding;
 - d. New, replacement or expanded gas and electrical service shall be located and constructed to reduce flood damage.

Standards for Development in Coastal High Hazard Areas (V-Zone)

Walled and roofed buildings and fuel storage tanks shall be sited landward and with the maximum setback possible of mean high tide .

POLICY 12

ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE

FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

Explanation of Policy

While the Town and Village coastline is bounded, for the most part, by an unbroken line of sea or retaining walls, this area still contains beaches, nearshore areas, and wetlands that help safeguard coastal lands and property from damage, as well as reduce the danger to human life resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of these landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. These Coastal Erosion Hazard Areas (CEHAs) are described in detail in Section II at R. The CEHA is located from Premium Point northeast to and including Premium Point Beach, Horseshoe Harbor and Umbrella Point, and are administered pursuant to the Coastal Erosion Hazard Management Program of the New York State Department of Environmental Conservation.

The Town and Village's natural protective features are discussed in Section II and standards follow below.

Beaches

Beaches are located at Horseshoe Harbor, the Larchmont Manor Park and the Premium Point Beach in the Town and Village. These man-made beaches buffer shorelands from erosion by absorbing wave energy that otherwise would be expended on the immediate shorelands. As much beach as possible should be retained to increase the protective effectiveness.

To ensure that beaches will be protected, the following standards under applicable State law shall be adhered to:

1. Excavating, grading, or mining which diminishes the erosion protection afforded by beaches is prohibited.
2. Clean sand or gravel of an equivalent size or slightly larger grain size is the only material which may be deposited within beach areas.
3. Active bird nesting and breeding areas must not be disturbed unless such action is in accord with a specific wildlife management activity.

4. All development is prohibited on beaches.

Nearshore Areas and Underwater Lands

Nearshore areas are located along the area designated a CEHA extending out in the water in the Town and Village. Nearshore areas dissipate a substantial amount of wave energy before it is expended on beaches and other areas by causing waves to collapse or break. Nearshore areas also act as reservoirs of sand, gravel and other unconsolidated material for beaches. Rock shoals and/or sandbars, which are located in nearshore areas, control the orientation of incoming waves and may promote the development of ice cap formations which help to protect the shore during winter storms. The roots of aquatic vegetation in nearshore areas bind fine grained silts, clays, and organic material to form a fairly cohesive bottom that resists erosion.

See Policy 15 for standards relative to the preservation of nearshore areas.

Wetlands

Tidal wetlands are located in the lower Premium River and Marsh Complex, Little Harbor Sound including Spanish Cove and East Creek, and the Hommocks Marsh in the Town and Village. Wetlands serve as a buffer against severe storms by absorbing wave energy and protecting the mainland from erosion.

See Policy 44/44A for standards relative to the preservation of wetlands.

Additionally, major protection against upstream flooding and erosion is provided by a combination of other natural protective features, despite some impairment resulting from past development: the floodplains in the Sheldrake with their associated freshwater wetlands and the Pine Brook drainage basins; the flood protection function of the Larchmont Reservoir. The flood protection value of these features will be protected against adverse impact from development or other activities, and further increased by physical improvements and by improved drainage basin management.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST 30 YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

Explanation of Policy

This policy applies to the designated Coastal Erosion Hazard Areas (CEHAs), as identified on the Coastal Erosion Hazard Maps for the Town and Village (see Policy 12).

Most of the Long Island Sound coastline, whether designated as a CEHA or not, is protected from erosion by permanent structures which, with periodic maintenance, provide long-term protection. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide and may even be harmful to adjacent or nearby properties. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss. The various rivers and streams flowing through the coastal area, however, are often subject to increasing erosion due to changing upstream flow characteristics. Erosion protection structures in these areas will be designed to give the long-term protection required by this policy while, at the same time, respecting considerations of the natural and aesthetic environment (see Policy 25). For example, use of natural materials such as rock or wood is preferable to concrete or steel.

Those areas which lie in the designated CEHAs require a State permit before any construction can take place. However, all coastline construction is subject to the following standards:

1. All erosion protection structures shall be designed and constructed according to generally accepted engineering principles which have demonstrated success or, where sufficient data is not currently available, a likelihood of controlling erosion on the immediate site for at least 30 years;
2. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions for a minimum of 30 years.
3. Erosion protection structures must not be likely to cause measurable increases in erosion at the development site or other locations; and must minimize, and if possible prevent, adverse effects to natural protective features (see policy 12), existing erosion protection structures (see policy 14), and natural resources such as significant coastal fish and wildlife habitats (see policy 7).
4. A long term maintenance program must be provided, which includes specifications for normal maintenance of degradable materials, the periodic replacement of removable materials, and minimizing the adverse impacts of erosion control structures.

POLICY 14

ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.

Explanation of Policy

Application of this policy to local conditions requires the development of an integrated flood and erosion control strategy for improved control of flooding, erosion, siltation, and associated problems in the three watersheds of this coastal area.

Erosion and flooding are naturally occurring processes. However, unwise actions can increase the severity and adverse effects of these processes causing damage to or loss of property and endangering human lives. Such actions include:

- failure to follow proper drainage or land restoration practices, thereby causing runoff which erodes and weakens stream banks or shorelands and causes siltation of stream beds, wetlands and navigational channels;
- placing of structures in identified floodways so that the base flood level is increased, exposing otherwise hazard-free areas to flood damage;
- the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands thus increasing their rate of recession;
- filling of wetlands and marsh areas with or without related measures to prevent erosion.

Actions of these and other kinds over many years, both within and upstream from the Town-Village coastal area, have resulted in serious aggravation of flooding, erosion, and siltation. As a result, substantial damage has occurred in residential areas as well as on recreational and ecological resources in the coastal zone, and further serious damage can be expected unless corrective actions are taken. In the Sheldrake watershed, these effects are felt not only within the Town-Village coastal area but also in densely developed sections of the Village of Mamaroneck downstream near where the Sheldrake joins the Mamaroneck River.

The Larchmont Reservoir property and the two golf club properties, the remaining open space in the Pine Brook and Sheldrake flood plains lying partly within the Town and partly in White Plains, Scarsdale and New Rochelle, the tidal wetlands at the foot of the Pine Brook-Premium and East Creek-Gut Creek-Hömmocks watersheds, and a portion of the Hampshire Country Club property located partly in the Town and partly in the Village of Mamaroneck should be preserved for their flood protection values. The Town and Village will seek the necessary intermunicipal cooperation of upstream municipalities in order to develop an integrated flooding and erosion control strategy at

the local level. In assessing proposals that might impact on the Larchmont Reservoir, weight should be given not only to their cost-effectiveness for flood control but also to their potential impact on the Reservoir's important aesthetic and recreational value and on its value as an emergency standby source of municipal water supply.

The Town and Village's Environmental Quality Review, Flood Damage Prevention and Freshwater Wetlands laws and the Town's Site Plan Review and Surface Water, Erosion and Sediment Control laws regulate rates of stormwater runoff in new developments to prevent increases in local or downstream flooding or erosion. Except where a different solution will clearly better serve the purposes of this policy in a particular site, this normally means zero increase in the rate of runoff from the site and zero decrease in the rate of runoff entering the site. In specific cases involving large properties upstream from flood-prone areas, a reduction in runoff rate from the site may be required. Such limits can be achieved by, for example, requiring maximum preservation of tree and ground cover, updating zoning categories, or construction of water retention devices. In keeping with Policy 17, consistency with this policy requires non-structural measures, such as retention or detention basins, be used wherever practicable.

When an erosion protection structure is proposed to be constructed, modified, or restored in the Town or Village, the following standards shall apply:

General Standards for Erosion Protection Structures

1. Need must be demonstrated.
2. The action must not cause a measurable increase in erosion at the development site or at other locations.
3. The action must minimize, and if possible, prevent long and short term adverse effects upon natural protective features, existing erosion protection structures, and natural resources such as Significant Coastal Fish and Wildlife Habitats and Critical Environmental Areas.

Specific Standards for Erosion Protection Structures along the Coastline

Bulkheads and Revetments

1. The location must be as far back from mean high water as possible and must be compatible with the location of erosion protection structures on adjacent properties.
2. Revetments shall be used in place of bulkheads whenever possible since they are more durable, provide habitats for vegetation and wildlife, and tend to reduce the amount of erosion from wave energy.

3. The taking of fill from Town/Village underwater or bottom lands shall be minimized.

Jetties and Groins

1. The height of jetties and groins shall follow a low profile so as not to adversely affect the littoral transport of sand.
2. The proposed location of the jetty or groin must be compatible with existing shoreline structures.

Docks and Pilings

1. The length of docks shall be kept to a minimum.
2. The height of docks and walkways to the docks shall conform to the height of existing docks and walkways in the area and shall be located above wetland vegetation.

POLICY 15 MINING, EXCAVATION OR DREDGING IN COASTAL AREAS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.

Explanation of Policy

There is little beach material in the coastal area of the Town and Village which is supplied to the adjacent land via natural coastal processes. Mining does not exist in this area.

Excavation and dredging shall be done so that both the natural and manmade shoreline are not undermined and so that natural water movement is not changed in a manner that will increase erosion potential (also see Policies 13 and 35). Excavation and dredging activities must be reasonable and necessary, considering reasonable alternatives to the proposed activity, the extent to which the proposed activity requires a shoreline location, and shall prevent, if possible, or minimize adverse effects on natural protective features and their functions and protective values, and on existing erosion protection structures.

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTION STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN

EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

The local circumstances to which this policy applies are stated in the Explanation of Policy 13. Projects contemplated under Policy 14, involving construction to protect property against erosion from upstream flooding, shall be consistent with this policy.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (1) THE SETBACK OF BUILDINGS AND STRUCTURES; (2) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINAGE SYSTEMS; (3) THE RESHAPING OF BLUFFS; (4) THE FLOODPROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE BASE FLOOD LEVEL.

Explanation of Policy

This policy recognizes the potential adverse impacts of flooding and erosion, whether from coastal or upstream sources, upon development and upon natural protective features in the coastal area as well as the costs of protection against those hazards which structural measures entail. This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development of the site, and of the alternative protection measures should be prepared to allow an assessment to be made.

In the Town and Village, non-structural measures shall include but not be limited to:

1. Within coastal erosion hazard areas; (a) the use of maximum setbacks; and (b) the strengthening of coastal landforms by appropriate planting of vegetation; and
2. Within identified coastal high hazard areas (V zones) or floodways; (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area; and (b) the flood proofing of buildings or their elevation above the base flood level.

Application of the Flood Damage Prevention regulations, Westchester County Best Management Practices Manual for Erosion and Sediment Control (1991) and SEQR procedures will be effective in many instances as preventive measures. For some purposes, however, such as improved protection against flood damage, sewage backup, etc., from upstream sources (see Section II at U and Policy 14), nonstructural methods will have to be supplemented in some instances by structural measures.

GENERAL POLICY

POLICY 18

TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS; PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Explanation of Policy

Proposed major actions may not be undertaken in the coastal area if they will significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, and recreation. Review under the SEQR process will allow a weighing of the costs and benefits of such actions to State interests.

PUBLIC ACCESS POLICIES

POLICY 19 **PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATER FRONT PARKS.**

Explanation of Policy

The Larchmont/Mamaroneck coastal area includes many water-related recreation resources to which the public has varying degrees of access depending on the nature of the facility and its ownership, as discussed in Section II. Balance between the type, capacity, and intensity of use of a facility, and the protection of the resource itself and of the adjacent environment, must be maintained if the quality of these resources is to be preserved. In general the level of access to, and use of, recreational resources in this coastal area appears consistent with current needs and with the ability of the facility or resource to accommodate it. Therefore, retention of present levels of access to existing facilities will be given priority. Future opportunities to increase access to active, water-dependent recreation resources should be carefully considered only if the potential impact of increased traffic and intensity of use on adjacent neighborhoods can be mitigated and adverse effect on the water environment avoided. Such increases, where desirable and feasible under these criteria, should, if possible, be achieved by expanding access to existing facilities.

POLICY 20 **ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.**

Explanation of Policy

The principal publicly owned lands adjacent to the foreshore are five parcels of municipally owned land: the Premium and Hommocks Conservation areas, Flint Park, Lorenzen Park, and Woodbine Park. In each case except Flint Park, access is provided to the water's edge for passive recreation activities. Access from Flint Park to the foreshore (Little Harbor Sound) is largely blocked by the presence of the Village of

Larchmont leaf disposal facility at the south end of the park. All such lands will be retained in public ownership and the existing level of access will be maintained unless damage to fragile environmental features mandates temporary or permanent limitations on access.

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS IS THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast such as pedestrian and bicycle trails, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

The Larchmont-Mamaroneck shoreline features a broad range of water-dependent and water-enhanced recreation facilities (see Section II at K). The developed state of the shore leaves little scope for additional facilities. Therefore, the primary objective of this policy is to preserve those water-related facilities that now exist and to protect them against abuse, overuse, and physical deterioration (see Policies 19, 20, and 30 through 39A). In the event that any private water-related recreational facilities are in danger of conversion to other use, the local governments, in pursuance of the above objective, will endeavor to find ways by which the facilities can be maintained in a manner consistent with this policy and Policy 19, including the possibility of municipal ownership, in whole or in part, of such facilities.

Within the limits set by the developed state of the shore, and provided that additional water-related recreational facilities can be created in a manner consistent with the preservation and enhancement of other important coastal resources including fish and wildlife habitats, wetlands, aesthetically significant areas, and historical and cultural

resources, and provided demand exists, water-related recreational development is to be increased and shall have a higher priority than any non-coastal-dependent uses, including non-water-related recreation uses; and water-dependent recreation uses shall take priority over recreation uses that are water-enhanced but not water-dependent.

Recreation in the conservation areas will be confined to passive, non-intensive activities such as bird watching, nature study, photography, etc. Swimming and boating on the Sound are to be encouraged, but not to an extent that will overtax the capacity of on-shore support facilities. Recreational lobstering and shellfishing will be enhanced if water quality is improved (see Policy 10A). The balance between use of the resource on the one hand, and on the other hand the enjoyment and safety of users and integrity of the environment, must be constantly monitored. For example, additional moorings for boats should be encouraged only if on-shore parking and access facilities are available and if the new moorings will not inhibit safe navigation in the harbor. Conduct which degrades, endangers, or interferes with these activities, including vandalism and other unlawful or reckless conduct in the harbor, and unlawful discharge of sewage or litter or other pollutants from pleasure boats in municipal waters, will be controlled. To this end the Village will take steps to work out a clear sharing of responsibility for policing the harbor among the parties concerned (see also Policy 34). Action to control upstream or coastal erosion (Policies 11 through 17) will serve the purposes of this policy by retarding siltation of navigation channels used by recreational boats and by reducing siltation damage in natural areas suitable for passive recreation.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, SHALL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Explanation of Policy

This policy calls for compatible inclusion of recreational facilities in new developments adjacent to the shore. Lands adjacent to the shore in this coastal area are already developed to their capacity and include a balance of residential and recreational uses. However, if new development adjacent to the shore should occur, recreation facilities in conformity with this policy will be required.

HISTORIC AND SCENIC RESOURCES

POLICY 23 PROTECT AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY,

ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES OR THE NATION.

Explanation of Policy

Among the most valuable of the State's manmade resources are structures or areas of historic, archeological, or cultural significance. Under State law, municipalities have the power to adopt regulations for the protection of these resources. In so doing they may designate, and provide for protection of, or in appropriate cases restoration and adaptive reuse of, specific sites or more extensive districts.

New York State definitions of such significant resources include these categories that may be applicable to this area:

- A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program.
- A resource on, or nominated to be on, or potentially eligible to be on, the National or State Register of Historic places.
- A resource on, or nominated to be on, the State Nature and Historic Preserve Trust.
- A resource identified on the archaeological sensitivity model of the New York State Office of Parks, Recreation and Historic Places or on the State Department of Education Inventory of Archaeological sites.

While the program is concerned with the preservation of all significant resources, as here defined, within the coastal boundary, it gives priority to the preservation of resources having a coastal relationship.

The following structures, districts, and sites, among others, in the Larchmont-Mamaroneck coastal area are of historic, architectural, archaeological, or cultural significance meriting protection under this policy:

1. Larchmont Manor Park, including the Horseshoe Harbor Yacht Club.
2. The neighborhood within Town of Mamaroneck Map 610, known as Larchmont Manor.
3. Fountain Square
4. The Larchmont Yacht Club and Larchmont Shore Club.

5. The Premium Mill Pond, dam, and associated structures, including the mill house.
6. The Larchmont Reservoir-James G. Johnson Jr. Conservancy.
7. The Winged Foot and Bonnie Briar Golf Clubs.
8. The Quaker and Barker Cemeteries.
9. The Manor House at the head of Prospect Avenue.
10. The Larchmont Public Library, site of the original Samuel Palmer House.
11. The Larchmont Post Office.
12. The Indian rock shelter and rock face next to Pine Brook Park.
13. The former Weaver Street School house at 86 Weaver Street.

Structures, districts and sites designated pursuant to this policy shall be protected against significant adverse change and, where appropriate, restored or rehabilitated for adaptive reuse. In this context "adverse change" means, among other things, demolition or removal in whole or in part, or inappropriate alteration of or addition to the architectural, structural, ornamental or functional features of, a building, structure, earth work, or site that is a recognized historical, cultural, or archaeological resource or component thereof; or an action within 500 feet of such a structure, or anywhere within such a district, that would be incompatible by virtue of location, scale, design, color, texture, pattern, line, setback, landscaping or similar characteristics, with the preservation of the quality and integrity of the designated structure or district. In a historic district, adverse change may also take the form of incompatible improvements in infrastructure elements such as street and sidewalk paving, street furniture and lighting.

Pursuant to this policy the municipal governments will establish appropriate procedures for designating significant resources and for accomplishing their protection or restoration. In addition, contacts with the State Historic Preservation Office, already initiated by the Larchmont Historical Society, will be pursued with regard to listing of sites in this area on the National or State Register of Historic Places.

Given the possibility that archaeologically significant sites may be found in the coastal area, any government agency proposing, permitting or funding a development action on any site in the coastal area will contact the New York State Office of Parks, Recreation and Historic Places for procedures to follow with respect to that site.

This policy shall not be construed as preventing (1) the alteration or demolition of any structure when such action is certified by competent authority as necessary to avert an imminent danger to life or to public health; or (2) normal maintenance, repair, or proper restoration of a designated structure, not involving significant adverse change and in conformity with the U.S. Department of Interior "Standards for Rehabilitation" and "Guidelines for Rehabilitating Historic Buildings."

POLICY 24 THE STATE POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE IN THE TOWN OF MAMARONECK AND VILLAGE OF LARCHMONT BECAUSE NONE OF THESE RESOURCES HAVE BEEN SO DESIGNATED.

POLICY 25 PROTECT, RESTORE AND ENHANCE NATURAL AND MANMADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE SCENIC QUALITY OF THE COASTAL AREA.

Explanation of Policy

- A. The Larchmont/Mamaroneck shoreline includes natural and historic features which in total comprise a diverse scenic resource of high quality. The pleasant blend of wetlands and marshes, landscaped parkland, geological forms of exceptional interest and beauty and attractive, water-oriented homes and recreation facilities, is unusual in the urbanized New York metropolitan area. Features of particular scenic quality on the shore include the Premium and Hommocks wetlands, the Larchmont Manor Park, the Larchmont Yacht Club, and the Larchmont Shore Club. Although not visible from the shore, Fountain Square, Memorial (Station) Park, the Sheldrake-Leatherstocking Conservation area, the Larchmont Reservoir-James G. Johnson Conservancy, the Brookside Drive-Gardens Lake area, and the Bonnie Briar, Winged Foot, and Hampshire golf courses all significantly contribute to the scenic quality of the entire coastal area.

- B. Given the generally high visual quality of the coastal area, action under this policy will be directed primarily toward protecting existing features, but will also seek to assure compatibility in the siting and appearance of new structures. These purposes are served to a great extent by existing controls in both municipalities. Industrial, commercial, and multi-family residential uses are not permitted outside of zones near the Thruway, Palmer Avenue, and the Boston Post Road. The appearance of new construction or remodeled structures in both the Village and the Town is subject to regulation. In the Village, designs may be disapproved on grounds of, among other things, monotonous similarity to nearby structures, visual

offensiveness due to poor design, visual discord in relation to the site or surroundings, or characteristics that prevent appropriate use of adjacent lands. Site plan review regulations and a Board of Architectural Review provide comparable safeguards in the commercial area of the Town. The size, character, and location of all outdoor signs is also regulated, and property owners are required to keep their properties clear of brush, weeds and unsightly materials.

- C. Local efforts to maintain visual quality in the shore area consist primarily of maintaining existing natural areas, ensuring that development is well sited and in harmony with the surrounding environment, and retaining views to, along and from the shoreline. These efforts are implemented primarily through local building codes and through the protection of natural and open space areas. The overall effect is a coastal area which is visually interesting and attractive, and should be maintained and improved if possible.
- D. Views which contribute to the scenic quality of the coastal area should be maintained or where possible improved include: views to Larchmont Harbor from Walnut and Bay Avenue street ends, and from Larchmont Harbor to the Larchmont Harbor and Umbrella Point shoreline; views from the Premium River and Premium Mill Pond from Pryer Manor Road and the Pryer Manor Bridge; the view from the south end of Beach Avenue looking towards Long Island Sound; and views from Manor Park and Park Avenue looking south, east and west, a panoramic sweep of Long Island Sound and its north shore and offshore areas. It is important to preserve these views, and to prevent visual impairments to the area's scenic and open space qualities and value. Loss of these views cannot be mitigated or replicated.
- E. In order to ensure consistency with this policy, actions should protect, restore or enhance the overall scenic quality of the coastal area by preventing impairments to visual resources to the maximum extent practicable.
- F. Impairment of visual resources includes the following:
 - 1. the irreversible modification of vegetation or structures whenever they are significant to the scenic quality of an identified view;
 - 2. the addition/development of structures which because of siting or scale will reduce identified views or which because of scale, form or material will diminish the scenic quality of an identified view.
- G. The following siting and development guidelines will be used when reviewing a proposed action that could affect the views described in subparagraph D above recognizing that each development situation is unique and that the guidelines will have to be applied accordingly.

1. Structures and other development such as power lines, pump stations, lights, high antennae, and signs should be of appropriate design and/or should be sited back from the shoreline or in other inconspicuous locations so as to maintain the attractive quality of the shoreline and to retain views to and from the shore.
2. Structures should be oriented to retain views, save open space and provide visual organization to development.
3. Existing structures of scenic or historical value, if structurally sound, should be retained and incorporated into the overall development scheme.
4. Deteriorated or degrading elements should be removed or rebuilt.
5. The original land form should be maintained or restored, except when changes screen unattractive elements and/or add appropriate interest.
6. Vegetation should be maintained or added to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation or creates views of coastal waters.
7. Other appropriate materials in addition to vegetation may be used to screen unattractive elements.
8. Appropriate scales, forms and materials should be used to ensure that buildings and other structures are compatible with and add interest to the landscape.
9. Actions should be avoided that would be out of keeping with the scenic character of a location because of intensity of use or potential for generating noise, visual annoyance, litter, traffic jams, or other nuisance.
10. Where possible, erosion-protection structures in scenic or residential areas should be built of natural wood or stone materials that blend with their surroundings, rather than of manufactured materials (see Policy 13).

AGRICULTURAL LANDS POLICY

POLICY 26

THE STATE POLICY REGARDING THE CONSERVATION AND PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO THE TOWN OF MAMARONECK AND VILLAGE OF LARCHMONT.

ENERGY AND ICE MANAGEMENT POLICIES

- POLICY 27** **DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA ARE NOT APPLICABLE TO THE TOWN OF MAMARONECK AND VILLAGE OF LARCHMONT.**
- POLICY 28** **THE STATE POLICY REGARDING ICE MANAGEMENT PRACTICES IS NOT APPLICABLE TO THE TOWN OF MAMARONECK AND VILLAGE OF LARCHMONT.**
- POLICY 29** **THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES IS NOT APPLICABLE TO THE TOWN OF MAMARONECK AND VILLAGE OF LARCHMONT.**

WATER AND AIR RESOURCES POLICIES

- POLICY 30** **MUNICIPAL, INDUSTRIAL, COMMERCIAL AND RESIDENTIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS, WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.**

Explanation of Policy

Excessive pollution of waters in the coastal zone is damaging to public health, the breeding and taking of edible fish, shellfish and crustaceans, water-related recreation, and (as noted under Policy 8) the ecology of wetlands and wildlife habitats. Effective adherence to the water quality standards of this policy will prevent it.

Pollutant discharges covered by this policy include "end-of-the-pipe" discharges into surface water and groundwater; runoff from plant sites; leaching; spillages; unlawful or damaging disposal of sludge, waste oil, and other polluting wastes; and drainage from raw material storage sites. Industrial discharges are covered if they empty directly into coastal waters or if they pass through municipal treatment systems before reaching coastal waters.

All such discharges are regulated by Federal and State laws. Water quality standards are set for a wide range of toxic substances. To maintain these standards, a permit system limits rates of effluent discharge of specified toxic substances and other pollutants by industrial plants. Effluent discharge should conform to federal standards required for maintaining the water classifications.

These Federal and State regulatory systems are supplemented locally by certain legal prohibitions, notably those of the Town Freshwater Wetland law which prohibits or limits certain categories of pollutants in controlled areas. The Westchester County Department of Health is responsible for monitoring coastal waters for pollutants dangerous to swimmers, and has the power to forbid swimming when and where pollution is excessive. The Conservation Advisory Commission has a limited pollution monitoring capability which serves both municipal governments by hiring a consultant to identify and trace some common pollutants, including coliform pollution, as a basis for either local, County or State enforcement action.

Taken together, these monitoring and regulatory activities at different levels of government go far toward assuring satisfactory water quality in the coastal zone. But constant and vigorous implementation of existing laws and regulations is essential, including adequate monitoring, identification and inspection of point sources, and prompt enforcement. In addition, further experience may show that new legislation is necessary. Therefore, government agencies will:

1. Take all practicable steps, both within their own jurisdictions and in cooperation with other jurisdictions including neighboring municipalities as may be necessary, to apply existing legal and administrative mechanisms for water pollution monitoring and enforcement and for preventive inspection and maintenance of potential point sources; and, where appropriate, to strengthen such mechanisms. Local citizen participation in these efforts will be encouraged both for public education and for enforcement purposes.
2. Seek to assure, in concert with neighboring municipalities, that retail sellers of motor oil comply with the State statutory requirement that they shall accept waste oil for recycling and shall make this fact known to their customers.
3. The Town and Village will support the County's efforts to incorporate nitrogen removal (BNR) in treatment plants discharging into Long Island Sound, and will comply with other mandates from the State as a result of the Long Island Sound Study's Comprehensive Conservation and Management Plan (see Section II at V).

POLICY 31

STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVER BURDENED WITH

**CONTAMINANTS WILL BE RECOGNIZED AS BEING A
DEVELOPMENT CONSTRAINT.**

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local and regional coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

Current classifications of fresh and saline waters in this area are given in Section II at Q. The fresh-water classifications are appropriate for the proposed uses in this Program. The salt-water classifications are consistent with proposed uses except in the former shellfishing areas along the shore now classified SB. As noted under Policy IOA, efforts will be made to restore these areas to SA status.

**POLICY 32 ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE
SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES
WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE
UNREASONABLY HIGH GIVEN THE SIZE OF THE EXISTING
TAX BASE OF THESE COMMUNITIES.**

Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost-effective in smaller, less densely populated areas for which conventional facilities are too expensive. Although the entire coastal area is within public sanitary sewer districts, some homes are still served by on-site sanitary systems. Where such homes cannot be connected to public sewer lines without unreasonable cost, the use of on-site systems will continue to be permitted provided that owners use those that are most effective and pollution-free. However, see Policy 32A.

**POLICY 32A WHEREVER FEASIBLE AT REASONABLE COST, EXISTING
ON-SITE SEWAGE DISPOSAL SYSTEMS SHALL BE
ELIMINATED AND REPLACED BY DIRECT CONNECTION TO
THE PUBLIC SEWAGE DISPOSAL SYSTEM.**

Explanation of Policy

On-site sanitary systems in this area (see Section II at U) have been found to be unreliable and pollution-prone in many instances. Therefore, in locations now served by such systems, where replacement of them by connection to public sewer systems would not be unreasonably costly, such action will be required. Otherwise the most effective and pollution-free on-site system will be required and will be closely monitored by municipal authorities to assure adequate performance. In all cases the objective will be the least risk of pollution consistent with acceptable cost.

**POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE
THE CONTROL OF STORMWATER RUNOFF AND COMBINED
SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.**

Explanation of Policy

The purpose of this policy is to improve the quality of coastal waters by minimizing pollution from stormwater runoff and combined sewer overflows. Best management practices applicable to this purpose include both structural and non-structural methods. In some cases structural methods, such as construction of detention basins or replacement of combined sewer systems with separate sanitary and stormwater collection systems, are appropriate and will be used. In other cases, however, structural methods are inappropriate or excessively costly. Moreover, such methods alone cannot achieve the stated purpose as well unless they are combined with non-structural best management practices such as improved street cleaning, reduced use of road salt, and control of runoff from construction sites (see Policies 37 and 37A). Non-structural best management practices, therefore, will be required or encouraged to the greatest extent appropriate and feasible for the purposes of this policy.

**POLICY 33A ELIMINATE DISCHARGE OF RAW SEWAGE INTO COASTAL
WATERS AND RESIDENTIAL AREAS DURING STORMS, ALL
CONNECTIONS WHICH CARRY STORMWATER RUNOFF INTO
THE SANITARY SEWER SYSTEM SHALL BE PROHIBITED AND
APPROPRIATE ADMINISTRATIVE, LEGAL AND PHYSICAL
ACTIONS SHALL BE TAKEN AS EXPEDITIOUSLY AS
POSSIBLE TO REMOVE ALL SUCH CONNECTIONS.**

Explanation of Policy

The principal factors contributing to pollution in the coastal area are the connection of public and private storm water drains, in many cases illegally, to the public sanitary sewer system and the substantial leakage of storm water into the sanitary sewer system via broken pipes or vent holes. The increased flow resulting from this practice exceeds the capacity of the sewage treatment plant and leads to discharge of raw sewage into

streets, basements, and coastal waters and the closing of beaches during periods of heavy rain. In the Village of Larchmont, 76% of illegal hookups have been corrected to address the problem of inflow and infiltration. Additionally major sanitary sewer rehabilitation projects have been completed by the Village and the Town.

The further elimination and prevention of such conditions is an especially important objective of the community and will continue to be pursued energetically by the responsible governments and agencies. Sewage treatment plant overflows need to be further addressed beyond the moratorium prohibiting new sewer line extensions to the New Rochelle Sewage Treatment Plant (STP). The Mamaroneck STP, even though upgraded to full secondary treatment, needs further action throughout the sewer district to correct the above mentioned inflow and infiltration problems. Recommendations in the Long Island Sound Study's (LISS) Comprehensive Conservation and Management Plan (CCMP) (see Section II at V) will cause Westchester County to evaluate further nitrogen removal in the Sound's STP facilities. At the present time, the County has complied with the LISS's Interim Report, which mandated a "no net increase" in nitrogen discharge from 1990 levels. The Mamaroneck and New Rochelle plants are included in this "no net increase" policy.

POLICY 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated by State law. Priority will be given to the enforcement of this law in areas where such discharges may damage shellfish beds, fish and wildlife habitats, or waters and beaches used for swimming and other recreation. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657). These standards, as well as other applicable laws and regulations concerning litter and pollution from vessels in coastal waters, shall be strictly enforced by the responsible authorities.

The development of a harbor management plan, posting signs to discourage vessel discharges, and public education, often by the yacht clubs, are the ways in which the Village can further address vessel discharges.

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE AND FEDERAL DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL

PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.

Explanation of Policy

Periodic dredging in this area is necessary for several purposes, primarily for maintenance of navigational channels at sufficient depths for recreational boating in Larchmont Harbor, Little Harbor Sound, and Horseshoe Harbor. In addition, actions to counter the effects of siltation and erosion in the Premium and Hommocks marshes (see Policies 7A and 14), and thereby to restore and maintain their ecological, recreational, and scenic value, may include dredging.

However, dredging projects, including dredge spoil disposal, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Such effects can be avoided or minimized by careful design and timing and by proper siting of spoil disposal.

Government agencies will assure that dredging operations in this area are in conformity with these principles and with State dredging permit requirements. They will also endeavor to bring about, and to participate in as appropriate, a coordinated dredging program for neighboring Sound shore communities as a means of obtaining high-quality service at acceptable cost. Operation of any such program within this coastal area will be subject to this policy.

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

Explanation of Policy

This policy shall apply not only to commercial storage and distribution facilities but also to residential and other users of petroleum products and radioactive and other toxic or hazardous materials. Spills, seepage or other accidents which occur on or adjacent to coastal waters or which, by virtue of natural or manmade drainage facilities, eventually reach coastal waters, are included under this policy. This includes the Pine Brook, Premium River and Mill Pond, East Creek, Gut Creek, Little Harbor Sound, the Sheldrake River, Gardens Lake, Larchmont Reservoir, Horseshoe Harbor, Larchmont Harbor and related marsh systems.

Government agencies will act vigorously under the applicable laws and regulations (including the New York State Petroleum Bulk Storage Act of 1983 and regulations issued or to be issued thereunder) to prevent or control such discharges, to minimize damage from them, and to obtain full and prompt compensation for the damage and costs caused by them. Such action shall include the requirement that such facilities shall not create undue fire or traffic hazard, nor impair property values. Such facilities must also meet safety standards for posting and labeling, and for transporting hazardous substances including the routing of materials in transit. To this end they will seek the cooperation of neighboring and upstream municipalities.

Petroleum storage at commercial facilities, on boats, and at marinas poses a potential threat to coastal resources. The fundamental problem associated with petroleum spills or hazardous materials is the contamination of water resources. To minimize damage from spills into coastal waters, the following standards shall be met:

1. The storage and use of petroleum products shall be undertaken to prevent any discharges to coastal waters.
2. Marinas shall provide facilities to collect petroleum and hazardous materials generated by marina patrons.
3. Wastes shall be disposed of using practices that are acceptable to the New York State Department of Environmental Conservation and U.S. Environmental Protection Agency.
4. Any proposed facility in the coastal area that stores petroleum products or hazardous materials shall be required to incorporate spill prevention measures into the design.
5. Any spill into coastal waters shall be cleaned up at the expense of the person responsible for such spills. To the extent permissible by law, the cost of the clean up activities undertaken by any level of government shall be reimbursed by the originator of the spill.

**POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO
MINIMIZE THE NONPOINT DISCHARGE OF EXCESS
NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL
WATERS.**

Explanation of Policy

The coastal waters of the Town and Village are subject to eroded soils entering into their rivers, streams, creeks and ponds, which feed into Long Island Sound. These same bodies of water are also vulnerable to pollutants, such as coliform bacteria, chemical

fertilizers, pesticides and other toxic materials, which are carried in stormwater runoff streams to the Sound. Measures should be taken to mitigate these problems since deterioration in water quality from this nonpoint source pollution is as great as the deterioration in water quality from poorly treated sewage discharges.

The federal Coastal Zone Act Reauthorization Amendments, Section 6217(g) of 1990, formally recognizes that nonpoint pollution is a key factor in the degradation of coastal waters, and directs the States to enact specific management measures to control nonpoint pollution. The Town and Village will support these measures.

The Town's Surface Water, Erosion and Sediment Control law, passed in 1992, controls and regulates land disturbing activities to assure that best management practices are used which minimize water pollution, retain valuable topsoil and vegetation and prevent flooding, erosion and sedimentation. This law requires applicants to submit a surface water and/or erosion and sediment control plan to the Town before any land disturbing activity is permitted. The current Westchester County Best Management Practices Manual for Erosion and Sediment Control (1991) is the recommended manual for procedures and methods whereby such plans can be reliably implemented.

The Village uses the County's Best Management Practices Manual as a guide for anyone undertaking a land disturbing activity within its borders, but does not require a permit.

The municipal governments of both communities will conform to these nonpoint pollution practices in their operations as well.

Other resource publications for erosion and sediment control guidelines are:

- The Metropolitan Washington Council of Government's Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs;
- The Guidance Specifying Management Measures For Sources Of Nonpoint Pollution In Coastal Waters issued under the authority of Section 6217 (g) of the Coastal Zone Act Reauthorization Amendments of 1990; and
- the New York State Department of Environmental Conservation's manual, Reducing The Impacts Of Stormwater Runoff From New Development.

Also important for the achievement of the purposes of this policy are the steps to be taken under Policy 33A and Policy 39A.

While the Town and Village nonpoint pollution mitigation measures represent a significant step forward in managing this pollution problem, this effort will never be wholly successful until upstream communities join with the Town and Village in watershed management programs. Watersheds cross municipal lines. Therefore, the Town and Village will request that Westchester County provide leadership to work toward planning and implementing watershed management programs.

The general guidelines which underlie the Town's Surface Water, Erosion and Sediment Control law and the County's Best Management Practices Manual, and which this Policy requires for compliance are as follows:

A. Standards for Erosion and Sediment Control

1. The construction site, or facilities, should fit the land, particularly with regard to its limitations.
2. Natural ground contours should be followed as closely as possible and grading minimized.
3. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
4. Extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
5. Natural protective vegetation should remain undisturbed if at all possible; otherwise, plantings should compensate for the disturbance.
6. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
7. Runoff from upper watershed lands which would contribute runoff to areas subject to erosion should be diverted.
8. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
9. Sufficient ground cover should be applied to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
10. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site. Such basins capture and mitigate the "first flush" of contaminant laden flows to protect downstream water quality.
11. Provision should be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume of runoff resulting from facilities constructed.

12. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.
13. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.
14. Rather than merely minimize damage, the opportunity should be taken to improve site conditions wherever practicable.
15. Fills should not encroach on natural watercourses, construction channels, or flooding areas.
16. Permeable surfaces should be encouraged for driveways and parking lots, particularly in areas near wetlands and in floodways.
17. Zero Increase Requirement:
 - a. all development shall be undertaken to create no increase in rate of surface water runoff greater than the rate of such runoff existing prior to the development unless increases would facilitate the beneficial flow of water downstream;
 - b. Any new stormwater discharge into or adjacent to freshwater and marine surface waters, freshwater and tidal wetlands, should be further minimized to the extent necessary so as not to significantly impact wetlands or surface water by contamination with sediments, nor shall such runoff alter the hydrology of wetlands.

B. Standards For Vegetation

Nonpoint pollution can be reduced by maintaining existing vegetation and adding vegetation that is appropriate to the site. Vegetation, including but not limited to trees, ground cover, and aquatic vegetation, is important for retention of soil and preventing sedimentation. New development and activities which interfere with such vegetation shall be conditioned upon the following:

1. The need for watering, fertilizing and pesticide application should be reduced by the use of native plants in landscaping and revegetation of sites.
2. Wherever feasible, natural vegetation, and in particular trees, should be retained, protected and supplemented. Stripping of vegetation, regrading, or other development shall be done in a manner which minimizes erosion.

3. The permanent (final) vegetation and erosion control measures should be installed as soon as practicable;

C. Standards for Buffer Areas

An important component of nonpoint pollution management is the creation and protection of buffers along the watercourses of the Town and Village, which help to maintain and improve water quality by filtering stormwater runoff. Because our area has been highly developed, natural buffers have been altered in many areas. Natural buffers should be retained where they exist, and where appropriate, restored or enhanced.

D. Standards for Prevention of Nonpoint Pollutants

Everyday activities have the potential to contribute to nonpoint source pollutant loadings. Some of the major sources include household, garden and lawn care activities, turf grass management, diesel and gasoline vehicles, onsite sanitary disposal systems, illegal discharges into stormwater drainage pipes, and pets and other domestic animals. By reducing the generation of these pollutants, adverse water quality impacts from these sources can be decreased.

1. Household hazardous chemicals, including automobile fluids, pesticides, paints, solvents, etc. should be disposed of at Westchester County designated sites on the days scheduled by the County's Department of Health.
2. Lawn and yard trimmings should be disposed of according to municipal directives for picking up such materials. However, yard composting should be encouraged. The use of chemical fertilizers and pesticides should be kept to a minimum.
3. Restricted use of herbicides and pesticides on golf courses, parks and recreation areas should be encouraged. Restriction of such uses also protects the wildlife and ecosystems of these areas.
4. Pollutants, such as floatables, waste oil, litter and pet excrement should not be discharged into storm drains.
5. Parking lots, gas stations, and other such entities, should be required to install appropriate silt traps which have the capability of removing oil and grease at the time application is made for new permits.
6. Septic tanks should be properly maintained.

**POLICY 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND
GROUNDWATER SUPPLIES WILL BE CONSERVED AND
PROTECTED, PARTICULARLY WHERE SUCH WATER
CONSTITUTES THE PRIMARY OR SOLE SOURCE OF WATER
SUPPLY.**

Explanation of Policy

The only water supply source to which this policy may apply is the Upper Reservoir (Sheldrake Lake) in the Larchmont Reservoir-James G. Johnson Conservancy. Although outside our Coastal Zone boundary, it is part of a property owned by the Village of Larchmont and dedicated by it to public use (see Section II at J and Q). It is no longer used as a regular water supply, but one of the uses specified in the October 1984 act of dedication is "standby water supply" in case of severe water shortage. Bearing in mind this use, the Village will make every effort to assure that the Upper Reservoir's water remains in State classification A ("all uses"), and will frame and enforce such rules as will promote this purpose. The necessary cooperation of upstream municipalities and of the Westchester County government will be sought in this connection.

Policies 30, 33, 36, 37 and 39 contain standards for ensuring the protection of ground and surface water quality.

**POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF
SOLID WASTES, PARTICULARLY HAZARDOUS WASTES,
WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A
MANNER AS TO PROTECT GROUNDWATER AND SURFACE
WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE
HABITATS, RECREATION AREAS, IMPORTANT
AGRICULTURAL LANDS AND SCENIC RESOURCES.**

Explanation of Policy

Federal and State laws provide a substantial base for regulation of the transport, storage, treatment, and disposal of solid wastes, particularly hazardous wastes. Strict enforcement of these regulations by the responsible authorities is extremely important to protect public health, the wetlands, fish and wildlife habitats, and water-related recreational resources of the coastal area. Especially important is adequate regulation of the transport of hazardous wastes through or near this coastal area, whether by land or on the nearby waters of Long Island Sound.

Solid wastes in this area consist primarily of garbage and refuse from households and retail stores, and construction debris. As far as is known, no significant quantities of hazardous wastes enter the local solid waste stream.

Patterns of garbage and refuse collection and disposal in the coastal area have generally been such as to have little impact on the resources enumerated in this policy other than some contribution to street litter (see Policy 39A). However, uncontrolled and illegal dumping -- a detriment to environmental and scenic values and potentially to public health -- continues in several locations including vacant lots, parks and the Village leaf disposal facility at the south end of Flint Park. The replacement of this facility as soon as possible by a suitable alternative mode of leaf disposal for the Village, and the restoration of the site, will, among other benefits, help to eliminate this form of pollution in that scenically attractive and ecologically sensitive location.

Corrective action will be taken by the municipal governments in the affected locations in a manner that will satisfy the requirements of this policy.

**POLICY 39A LITTER AND DOG WASTE SHALL BE STRICTLY
 CONTROLLED IN THE COASTAL AREA.**

Explanation of Policy

Litter and dog waste create problems of pollution and "uglification" along streets and shoreline and in conservation and recreation areas in the coastal area. The problem has numerous sources including: illegal dumping in vacant lots, roadsides, stream beds, etc.; inadequate containment of household and commercial garbage and refuse before and/or during collection; wind-scattering of unsecured newspapers; casual discard of consumer items, chiefly containers and printed matter by individuals; and failure of many persons walking dogs to clean up after them. Despite municipal laws against these practices and vigorous anti-litter measures by concerned civic and neighborhood organizations, the problems remain.

The municipal governments will work with concerned organizations and community leaders in renewed efforts to deal with these quality-of-life problems more effectively. They will study the most effective control techniques in comparable communities including action programs, incentives, penalties, means of enforcement, and educational efforts at all levels. The most promising and appropriate techniques will be tried locally and their effectiveness periodically evaluated.

**POLICY 40 THE STATE POLICY REGARDING EFFLUENT DISCHARGED
 FROM MAJOR STEAM ELECTRIC GENERATING AND
 INDUSTRIAL FACILITIES INTO COASTAL WATERS DOES
 NOT APPLY TO THE TOWN OF MAMARONECK AND VILLAGE
 OF LARCHMONT.**

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

Explanation of Policy

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

According to New York State law, to the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations considering specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

According to New York State law, the Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources.

POLICY 42 COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.

Explanation of Policy

The policies of the State and local Coastal Management Programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

POLICY 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.

Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

POLICY 44 PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.

Explanation of Policy

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the NYS Protection of Waters Act.

Tidal wetlands include the following ecological zones: coastal fresh marsh, intertidal marsh, coastal shoals, bars and flats, littoral zone, high marsh or salt meadow, and formerly connected tidal wetlands. These tidal wetland areas are officially delineated on the Department of Environmental Conservation's Tidal Wetlands Inventory map.

The benefits derived from the preservation of tidal and freshwater wetlands include but are not limited to habitat for wildlife and fish and contribution to associated aquatic food chains, erosion, flood and storm control, natural pollution treatment, groundwater protection, recreational opportunities, educational and scientific opportunities, and aesthetic open space in developed areas.

Major portions of the wetland complexes in this area (see Map 9), both freshwater and tidal, are protected as Town conservation areas. Their designation, together with associated open space, as Wildlife Habitats under Policy 7 and 7A, and as critical environmental areas will provide added protection against adverse impact from actions nearby. Further protection will be derived from the Town Freshwater Wetlands law revised in 1986.

However, the problem of protecting these areas is complicated by municipal boundaries. In the Premium area, the wetland complex, which is a major factor in local control of flooding, erosion and pollution, extends beyond the local coastal zone boundary into New Rochelle. The same is true of the Larchmont Reservoir area. Moreover, as is noted in the wildlife habitat narrative (Section II at M and N), all three wetland areas lie in watersheds originating wholly or partly beyond our municipal boundaries and are thus vulnerable to upstream impacts beyond local control. Accordingly, the municipal governments will seek the cooperation of the upstream municipalities in the

implementation of this policy. They will also consider designating additional freshwater wetlands meriting protection.

The following will be used to determine consistency with this policy:

1. For those wetlands and riparian areas that are serving a significant flood protection and nonpoint pollution abatement function, this function should be maintained while protecting the other existing functions as measured by characteristics such as vegetative composition and cover, hydrology of surface water and ground water, geological factors, and species composition.
2. Where feasible, the restoration of preexisting functions of damaged wetlands and riparian systems in areas where the systems serve or could serve a significant nonpoint pollution abatement function as well as promote certain fish and wildlife values should be undertaken (see Policy 44A).
3. The use of engineered and/or native vegetation treatment systems, such as vegetated filter strips, where these subsystems can serve a significant nonpoint pollution abatement function should be encouraged.
4. Where possible, 100 foot buffers, at a minimum, should be preserved around all wetlands.
5. The use of fertilizers and pesticides should be kept to a minimum within all parts of the Town and Village, with particular concern for areas around wetlands.
6. The Town and Village should encourage the donation of easements around wetlands.

POLICY 44A RESTORE TIDAL AND FRESHWATER WETLANDS ALREADY DAMAGED BY EROSION, SILTATION, AND POLLUTION.

Explanation of Policy

Preservation and protection of wetlands from future damage, mandated by Policy 44, must be supplemented in this coastal area by measures to restore, insofar as possible, wetlands already damaged. This policy applies especially to the two tidal wetland complexes, which have suffered cumulative damage from upstream sources for many years - the Premium and the Hommocks wetland complexes; but damage to the Reservoir-Sheldrake-Leatherstocking wetland complexes has also occurred and requires restorative action. A staged program to correct damage from siltation, erosion, and

pollution will therefore be combined with the protective measures under Policy 44 and with measures under Policy 7 and 7A concerning the wildlife habitats centering on all these wetlands. This program will be designed and carried out in appropriate cooperation with the City of New Rochelle and the Village of Mamaroneck, in whose jurisdictional control major parts of the three wetland complexes, and/or of the upstream sources of damage to them, are located. Specific implementation measures will be designed or revised in the light of, but need not in all cases await, the results of the technical, hydrological, and feasibility studies called for in Policy 14.